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JFW

CPA 15
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PTO/SB/17 (10-03)

Approved for use through 07/31/2006. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Fee Transmittal for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT **(\$)** 903.00

Complete if Known

| | |
|----------------------|----------------|
| Application Number | 09/492,218 |
| Filing Date | 01/27/2000 |
| First Named Inventor | SITRICK, David |
| Examiner Name | M. Fletcher |
| Art Unit | 2837 |
| Attorney Docket No. | STD 1757 CPA |

METHOD OF PAYMENT (check all that apply)

Check Credit card Money Order Other None

Deposit Account:

Deposit Account Number
501166

Stirick & Sitrick

The Director is authorized to: (check all that apply)

Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s) or any underpayment of fee(s)
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

Fee Calculation

1. BASIC FILING FEE

| Large Entity | Small Entity | Fee Code (\$) | Fee Code (\$) | Fee Description | Fee Paid |
|---------------------|--------------|------------------------|---------------|-----------------|----------|
| 1001 770 | 2001 385 | Utility filing fee | | | 385.00 |
| 1002 340 | 2002 170 | Design filing fee | | | |
| 1003 530 | 2003 265 | Plant filing fee | | | |
| 1004 770 | 2004 385 | Reissue filing fee | | | |
| 1005 160 | 2005 80 | Provisional filing fee | | | |
| SUBTOTAL (1) | | (\$) 385.00 | | | |

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

| Total Claims | Independent Claims | Multiple Dependent | Extra Claims | Fee from below | Fee Paid |
|--------------|--------------------|--------------------|--------------|----------------|----------|
| 113 | -113* = 0 | | X | | |
| 13 | -12* = 1 | | X 43.00 | = 43.00 | |
| | | | | | |

| Large Entity | Small Entity | Fee Code (\$) | Fee Code (\$) | Fee Description |
|---------------------|--------------|--|---------------|-----------------|
| 1202 18 | 2202 9 | Claims in excess of 20 | | |
| 1201 86 | 2201 43 | Independent claims in excess of 3 | | |
| 1203 290 | 2203 145 | Multiple dependent claim, if not paid | | |
| 1204 86 | 2204 43 | ** Reissue independent claims over original patent | | |
| 1205 18 | 2205 9 | ** Reissue claims in excess of 20 and over original patent | | |
| SUBTOTAL (2) | | (\$) 43.00 | | |

*or number previously paid, if greater; For Reissues, see above

3. ADDITIONAL FEES

Large Entity Small Entity

| Fee Code (\$) | Fee Code (\$) | Fee Description | Fee Paid |
|---|---------------|--|----------|
| 1051 130 | 2051 65 | Surcharge - late filing fee or oath | |
| 1052 50 | 2052 25 | Surcharge - late provisional filing fee or cover sheet | |
| 1053 130 | 1053 130 | Non-English specification | |
| 1812 2,520 | 1812 2,520 | For filing a request for ex parte reexamination | |
| 1804 920* | 1804 920* | Requesting publication of SIR prior to Examiner action | |
| 1805 1,840* | 1805 1,840* | Requesting publication of SIR after Examiner action | |
| 1251 110 | 2251 55 | Extension for reply within first month | |
| 1252 420 | 2252 210 | Extension for reply within second month | |
| 1253 950 | 2253 475 | Extension for reply within third month | |
| 1254 1,480 | 2254 740 | Extension for reply within fourth month | |
| 1255 2,010 | 2255 1,005 | Extension for reply within fifth month | |
| 1401 330 | 2401 165 | Notice of Appeal | |
| 1402 330 | 2402 165 | Filing a brief in support of an appeal | |
| 1403 290 | 2403 145 | Request for oral hearing | |
| 1451 1,510 | 1451 1,510 | Petition to institute a public use proceeding | |
| 1452 110 | 2452 55 | Petition to revive - unavoidable | |
| 1453 1,330 | 2453 665 | Petition to revive - unintentional | |
| 1501 1,330 | 2501 665 | Utility issue fee (or reissue) | |
| 1502 480 | 2502 240 | Design issue fee | |
| 1503 640 | 2503 320 | Plant issue fee | |
| 1460 130 | 1460 130 | Petitions to the Commissioner | |
| 1807 50 | 1807 50 | Processing fee under 37 CFR 1.17(q) | |
| 1806 180 | 1806 180 | Submission of Information Disclosure Stmt | |
| 8021 40 | 8021 40 | Recording each patent assignment per property (times number of properties) | |
| 1809 770 | 2809 385 | Filing a submission after final rejection (37 CFR 1.129(a)) | |
| 1810 770 | 2810 385 | For each additional invention to be examined (37 CFR 1.129(b)) | |
| 1801 770 | 2801 385 | Request for Continued Examination (RCE) | |
| 1802 900 | 1802 900 | Request for expedited examination of a design application | |
| Other fee (specify) <u> </u> (Terminal Disclaimer) | | | |
| *Reduced by Basic Filing Fee Paid | | | |
| SUBTOTAL (3) | | (\$) 475.00 | |

SUBMITTED BY

| Name (Print/Type) | David H. Sitrick | Registration No. (Attorney/Agent) | 29,349 | Telephone | 847-677-4411 |
|-------------------|------------------|-----------------------------------|--------|----------------|--------------|
| Signature | | | Date | April 21, 2004 | |

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: David H. Sitrick)
O I P E J O R R
APR 26 2004
P A T E N T & T R A D E M A R K O F F I C E
SYSTEM AND METHODOLOGY)
FOR MUSICAL)
COMMUNICATION AND)
DISPLAY)
Serial Number: 09/492,218)
Filed: January 27, 2000)
Examiner: M. Fletcher)
Art Unit: 2837)
Attorney Docket: STD 1757)

PRELIMINARY AMENDMENT A

Mail Stop CPA APPLICATIONS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant hereby submits a request for a continued prosecution application, under 37 C.F.R. § 1.53(d), of the above-referenced prior-filed non-provisional application and this Preliminary Amendment A.

Applicant thanks Examiner Fletcher for the March 26, 2004 telephone conference, during which time Applicant and Examiner discussed and clarified previous communications.

Applicant is filing this Continued Prosecution Application as a result of said teleconference.

Claims 1-113 are currently pending in the application. Claims 41-51 are allowed.

Claims 1-40, 53-76, 79-96 and 99-113 are rejected. Claims 52, 77, 78, 97 and 98 are objected to. Claims 1-6, 23-32, 37-44, 51-58, 60, 61, 66-71, 73, 74, 76, 77, 78, 80, 81, 82, 85-88, 91, 92, 94, 95, 97 and 107-110 are hereby amended. Claims 67, 69 and 88 are hereby canceled without prejudice. Claims 114, 115 and 116 are hereby added.

Applicant has filed concurrently herewith a Declaration under 37 CFR 1.131 and has sworn back of the Lemelson et al. (5,823,788) reference. The final rejection of Claims 1-40, 53-
04/27/2004 AWONDAF1 00000026 501166 09492218

01 FC:2006 385.00 DA
02 FC:2201 43.00 DA
03 FC:2253 475.00 DA

76, 79-96 and 99-113 under 35 U.S.C. 103(a) based upon Lemelson et al. (US 5,823,788) is hereby traversed and overcome in accordance with 37 CFR 1.131.

This response is accompanied by the appropriate fee transmittal authorizing the Commissioner to charge any additional fees and credit any overpayments during the pendency of this application to Sitrick & Sitrick's Deposit Account Number: 501166. A basic filing fee, an added independent claim fee and a three-month extension fee are due and paid via the aforementioned fee transmittal. No new matter has been added. Reconsideration is respectfully requested.